

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
November 11, 2008, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Tom Vos and Steve Rauch; Commissioners John Lynch, Darrel Eisenhardt, Bob Schulte, Bob Henney and Catholic Central High School Representative Lauren Celano were present. Town of Burlington Representative Phil Peterson and Burlington High School Representative Ashley Kennedy were absent. Also present were: City Administrator Kevin Lahner, City Planner Building Inspector/Zoning Administrator Patrick Scherrer and Fire Chief Richard Lodle.

APPROVAL OF MINUTES

Alderman Vos moved and Alderman Rauch seconded to approve the minutes of October 10, 2008. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. A Public Hearing to consider a Conditional Use Application submitted by Captain James Formolo of the Racine County Sheriff Department for property located at 341 Origen Street to upgrade equipment on a telecommunications tower and install a generator.

- Mayor Miller opened the public hearing at 6:33 p.m.
- Richard Lodle, Fire Chief went on record stating he supports this project.

Alderman Vos moved and Commissioner Schulte seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:34 p.m.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application for property located at 341 Origen Street to upgrade equipment on a telecommunications tower and install a generator.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if the generator testing can be coordinated with what is currently been done with the Verizon Wireless generator for noise reasons. Captain James Formolo stated that typically the testing is done at 6:30 a.m. on Mondays, but can be coordinated with Verizon. The system is flexible and can be scheduled for any time period. Commissioner Schulte stated he feels two generators running at once would be more of a nuisance than if the test times were staggered. Alderman Vos agreed with Commissioner

Schulte. Alderman Vos questioned if there have been any noise complaints with the Verizon generator. Mayor Miller responded that there have been no complaints.

- Captain Formolo stated that he has received a quote to add a 124 gallon LP tank to the generator as a backup source of power in case the electric were to go out. He questioned if adding the LP tank could be in the consideration process. Commissioner Eisenhardt questioned if LP is allowed in the city ordinance. Patrick Scherrer responded that it would need to be looked into due to the fact that the generator will be next to a city well and within the Wellhead Protection Overlay District. Mayor Miller stated that the LP tank cannot be considered tonight and would need to come back to the Plan Commission as a separate site plan if deemed necessary by the ordinance. Both Chief Lodle and Captain Formolo stated they would like to have the plans as originally submitted considered tonight, whereas a new site plan will be brought back to another Plan Commission meeting if necessary.
- There were no further comments.

Alderman Vos moved and Commissioner Henney seconded to approve a Conditional Use Permit for the Racine County Sheriff's Department at 341 Origen Street, subject to Kapur and Associates' October 31, 2008 and Patrick Meehan's October 26, 2008 memorandums to the Plan Commission as follows:

- The proposed emergency backup generator accessory structures and facilities be constructed pursuant to the following requirements of Section 315-130.1(B) of the City Zoning Ordinance:
 - a. **Interference with radio and television reception prohibited.** The proposed antenna or antenna structure [or its associated emergency backup generator] shall not result in interference with radio and/or television reception in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission regulations.
 - b. **Advertising and signage.** No form of advertising or signage (other than warning or equipment information signage) shall be allowed on the emergency backup generator accessory structures and facilities. This prohibition shall include but not be limited to any flag, pennant, whirling object, banner, inflatable device, or other article attached to a string or line.
 - c. **Security.** The base of the tower and its associated accessory structures shall be fenced and secured so that they are not accessible by the general public. All fencing shall meet the applicable fence requirements of the City.
 - d. **Removal of antenna facilities upon abandonment.** In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Zoning Administrator, based upon documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage.

[1] Upon the Zoning Administrator's determination of such abandonment, the owner/operator of the tower shall have an additional 180 days within which to reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower or dismantle and remove the tower. At the earlier of 180 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any exception and/or variance approval for the tower shall automatically expire.

[2] The property owner shall sign, as a condition of issuance of a conditional use permit, an agreement (subject to the City Attorney's review and approval) and record (with the Racine County Register of Deeds) as a deed restriction to remove the communications tower, antenna(s), and associated accessory structure(s) and/or facility(ies) within 180 days of the determination of such abandonment. The City of Burlington may cause such removal to be performed and levy the cost thereof, including direct costs (i.e., contractual costs, personnel and legal expenses) and overhead expenses (to be calculated at 55% of all direct costs), as a special charge against the property. In conjunction with said removal, the City of Burlington shall have full access to both the tower site and all access and/or utility easements associated with said facilities.

- e. **Outdoor storage.** There shall be no outdoor storage of any vehicles, equipment, or other goods permitted in conjunction with communications towers, antennas, and associated accessory structures and facilities. This subsection does not apply to overnight storage of vehicles or equipment necessary for the construction or repair of the communications tower(s), antennas, and associated accessory structures and facilities.
- f. **Maintenance.** All associated accessory structures and facilities shall be maintained in a clean, sanitary, and safe manner and kept free from trash, refuse, and debris. In addition, all communications towers, antennas, and associated accessory structures and facilities shall be maintained in accordance with all applicable local, state, and federal regulations. If the property owner should fail to fulfill the obligation of said maintenance, the City of Burlington may cause such maintenance to be performed and levy the cost thereof, including direct costs (i.e., contractual costs, personnel and legal expenses) and overhead expenses (to be calculated at 55% of all direct costs), as a special charge against the property. In conjunction with the performance of said maintenance, the City of Burlington shall have full access to both the tower site and all access and/or utility easements associated with said facilities.
- g. **Landscape plant material maintenance.** All landscape plant materials shall be maintained in a live condition at all times. Any plant materials included in the approved landscape plan that do not survive shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event within six months of the plant's demise. The property owner shall make said replacement. If the property owner should fail to fulfill the obligation to replace said landscape plant(s) within said period, the City of Burlington may cause such replacement to be performed and levy the cost thereof, including direct costs (i.e.,

contractual costs, personnel and legal expenses) and overhead expenses (to be calculated at 55% of all direct costs), as a special charge against the property. In conjunction with the performance of said landscape plant replacement, the City of Burlington shall have full access to both the tower site and all access and/or utility easements associated with said facilities. [No landscaping is proposed at the subject property for the proposed emergency power generator. However, if such landscaping is installed in the future then these requirements would be applicable.]

- h. **Federal Communications Commission (FCC) licensing required.** No construction of the communications tower(s), antennas, and/or associated accessory structures and facilities shall be commenced until all applicable FCC licenses have been granted and copies of said FCC licenses have been furnished the City of Burlington.
 - i. **Minimum setback requirements.** No portion of any wireless communications towers, antennas, and associated accessory structures and facilities shall overhang any property line.
- The proposed power generator shall be required to meet the noise regulations set forth under the provisions of Section 315-95(B) and (C) of the City Zoning Ordinance.

All in favor and the motion carried.

OTHER MATTERS

- City Administrator Lahner informed the commission of a proposed land use plan for the year 2035 drafted by SEWRPC as part of the Racine County Comprehensive Planning meetings. Each jurisdiction in Racine County will have a land use plan which is state mandated. He further explained that the plan will come back to the Plan Commission for recommendation and to the Common Council for approval.
- Mayor Miller stated that the plan gives general guidelines for future planning and expansion that are compliant with city zoning. He further explained that this is a “living document” and will not bind the city to a particular land development scheme.
- Alderman Vos questioned what the procedure will be if changes need to be made or if there are any conflicts with expansion of the city. Mayor Miller stated any amendments will be brought before the council if necessary.

ADJOURNMENT

Commissioner Eisenhardt moved and Alderman Vos seconded to adjourn the meeting at 6:56 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator